



November 22, 2007

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Ms. Amy M. Bennett  
Standards Coordinator  
Bureau of Water  
South Carolina Department of Health and  
Environmental Control  
2600 Bull Street  
Columbia, SC 29201

Dear Ms. Bennett:

**COMMENTS ON THE NOTICE OF PROPOSED AMENDMENTS TO SOUTH CAROLINA REGULATION 61-68, WATER CLASSIFICATION AND STANDARDS**

Washington Savannah River Company (WSRC) would like to express its appreciation for the candor and openness that the South Carolina Department of Health and Environmental Control (SCDHEC) used in conducting the Triennial Review process leading up to the issuance of the proposed amendments to South Carolina Regulation 61-68, Water Classifications and Standards. As a continuation of that process, WSRC would like to comment on the Notice of Proposed Amendments to SC R.61-68 published in the October 26, 2007 State Register. In past and present triennial reviews WSRC has commented on several of these issues and believe they have merit and should be considered in the proposed revision to the regulation.

Please consider the following comments:

**REVIEW OF REVISED FEDERAL WATER QUALITY CRITERIA AND EXISTING CRITERIA**

WSRC concurs with the SCDHEC position on changing the arsenic criterion based on correcting information upon which the criterion was originally generated. Therefore in light of the recent questions raised about the appropriateness of the arsenic criterion and the need to revisit the standard after its adoption into the South Carolina regulation, WSRC strongly recommends that the scientific bases for the 15 proposed criteria and 2 non-priority pollutants be reviewed by SCDHEC before the criteria are adopted at face value. SCDHEC needs to make their evaluations of the scientific bases available for comment by the regulated community before the proposed criteria are adopted. The derivation of the thallium criterion is an example of the need for SCDHEC to do an extensive evaluation on proposed criteria instead of just relying on the numbers generated by EPA. This criterion is based on a number of factors one of which is the Bioconcentration Factor (BCF). The BCF for thallium is based on factors for three species.

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Because two of the three species do not occur in South Carolina, SCDHEC should look at the BCF for species that do occur in South Carolina to ensure that the criteria are appropriate. This is a cursory example of the need for SCDHEC to evaluate any federally proposed criteria for South Carolina. Therefore, WSRC recommends that an extensive evaluation for all proposed criteria be conducted before they are adopted.

WSRC supports SCDHEC's decision to remove iron and manganese criteria because of the naturally occurring background concentrations of these minerals. WSRC also supports the addition of the use of the Biotic Ligand Model for developing copper criteria.

#### **DEFINITION OF EPHEMERAL STREAM**

WSRC requests that the definition of ephemeral stream be refined to enable better identification of ephemeral streams through the use of biological indicators. SCDHEC should use scientifically defensible biological data for the development of the indicators.

#### **DESIGNATED USES AND WATER QUALITY STANDARDS FOR EPHEMERAL STREAMS**

The water quality standards that currently exist were not derived with ephemeral streams in mind and should not be applied to them. In their 2002, "Draft Strategy for Water Quality Standards and Criteria" EPA stated they would provide "guidance on adopting and implementing water quality standards for intermittent, ephemeral and effluent dependent waters" in 2004. More recently, EPA stated that they intend to provide written guidance after they complete a series of public meetings (Open Public Meeting on Designated Uses and Use Attainability Analysis, Atlanta, September 2005). To date they have not put forth that promised guidance. Although EPA has not completed their guidance, WSRC requests that SCDHEC develop scientifically-based designated uses and water quality standards for ephemeral streams and include them within R.61-68. Until these uses and criteria are included in the regulation, WSRC requests that language be added to the regulation or that a policy be implemented to require that individual permits issued by SCDHEC for discharges into ephemeral streams shall include only monitor and report requirements for all but conventional pollutants. If the question of protection of downstream uses for perennial streams is the issue, SCDHEC could place NPDES limits for the parameters of concern and require monitoring of the receiving waterbody for the particular parameters to ensure that there is no rise above naturally occurring background within the downstream waterbody.

#### **SURFACE WATER PROTECTION AREA**

WSRC supports the removal of the language in R.61-68.C.10.a that would prohibit mixing zones in source water protection areas.

## CHANGES TO SECTION E.16

WSRC requests that the following sentence (in italics) be added at the end of the first paragraph in this section, as follows:

"The Department may consider other scientifically-defensible published data which are appropriate for use in developing permit limits and evaluating water quality for constituents for which EP A has not developed national criteria or South Carolina has no standards. *Limits for these constituents will normally be required when they are added or used in a manufacturing process, but not when they are present due to natural conditions.*"

WSRC is simply recommending this language and understands that something more complete may need to be developed by SCDHEC.

Your consideration of these issues for incorporation into the final amendments of R.61-68 will be greatly appreciated. If you have any questions or require additional information, please contact me at (803) 952-8318.

Sincerely,



D. V. Osteen  
Environmental Permitting and Monitoring Group  
Environmental Services Section

dvo/aeo

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